

**United States  
Court of Appeals**

## Report of Chief Judge Harry T. Edwards

The past two years have seen great activity and numerous changes at the Court of Appeals. In September 1996, Judge Buckley took senior status. He has continued to hear cases, however, and the court has been grateful for his sterling service. Merrick B. Garland was confirmed in the Spring of 1997 and is now completing his first full term as a member of the court. With the addition of Judge Garland, the court now has eleven active judges (Chief Judge Edwards, Judge Wald, Judge Silberman, Judge Williams, Judge Ginsburg, Judge Sentelle, Judge Henderson, Judge Randolph, Judge Rogers, Judge Tatel, and Judge Garland), and one senior judge (Judge Buckley).

One of the most significant changes for the circuit occurred in December 1997, when Linda Ferren left her position as Circuit Executive to become the Executive Director of the Commodity Futures Trading Commission. Linda served as Circuit Executive for nearly ten years and no words can express the gratitude that she is due for the tireless and brilliant service that she gave to the courts of the District of Columbia Circuit. During her tenure, Linda marshaled major advances in ADR programs, automation, telecommunications, employee grievance procedures, annual reports, training, building services and security, planning for the new courthouse Annex, community relations, publications, budget management, inter-circuit relations, Circuit Judicial Conference planning, and Judicial Council operations. Linda never stopped short of giving whatever was required to ensure the best in her work. Everyone who worked with her — at the Administrative Office of the Courts, Federal Judicial Center, the Judicial Conference of the United States, and other Circuit Executives — viewed her as a consummate professional. There was simply no better Circuit Executive in the United States. She will be missed.

Fortunately, Linda Ferren left her office in the good hands of Jill Sayenga, her successor. Jill served as Deputy Circuit Executive for over nine years before her promotion by the Circuit Judicial Council to the Circuit Executive's position in January of this year. The reasons for her selection were simple: she is both smart and talented; she had first-hand experience in the work of the Circuit Executive — as the Deputy Circuit Executive, she shared work responsibilities with Linda Ferren in every aspect of the job; she is a tireless worker; she is scrupulously honest in all of her dealings; she knows the workings of the courts of the D.C. Circuit, as well as the workings of the Circuit Judicial Council, the Administrative Office of the Courts, the Judicial Conference of the United States, and the Federal Judicial Center; she has unique talents in personnel management, automation, and budget matters; she has been recognized for her work, receiving the Director's Award for Outstanding Leadership in June 1996 and the Chief Judge's Award in June 1991; and she is highly respected and extremely well liked by the judges, managers, and staff. Jill was perfectly suited for the job and had more than earned the position with her spectacular performance as Deputy.

Another change for the circuit has been the name of our courthouse. On July 1, 1996, Public Law 104-151, 110 Stat. 1383, was enacted providing that "The United States Courthouse located at 3rd Street and Constitution Avenue, Northwest, in Washington, District of Columbia, shall be designated and known as the 'E. Barrett Prettyman United States Courthouse.'" Judge Elijah Barrett Prettyman was appointed to the U.S. Court of Appeals for the D.C. Circuit by President Harry S Truman in 1945, and he served as Chief Judge of the Circuit from 1958 to 1960. A ceremony was held on March 20, 1997 to commemorate the naming of the courthouse. In addition to the undersigned, speakers included Chief Justice William H. Rehnquist, then-Chief Judge John Garrett Penn of the District Court, Judge Louis F. Oberdorfer, Senator John W.

Warner, and E. Barrett Prettyman, Jr., Esquire. Senator Warner was introduced by Judge Oliver Gasch. The unveiling of Judge Prettyman's portrait, a commemorative plaque, and a display case of memorabilia of Judge Prettyman's life and career was conducted by Judge Prettyman's children, E. Barrett Prettyman, Jr. and Courtney Paddock. The event was a wonderful way to look back, not only at Judge Prettyman's life and career, but at the history of the courts and courthouse of the D.C. Circuit.

On April 16, 1997, the Court of Appeals hosted its second Public Forum. The court's first Public Forum, held in 1995, was designed to help the court and staff understand better the needs of the bar and the public-at-large; to solicit suggestions from those served by the court on ways in which it could improve delivery systems; to explain the Clerk's Office (from the perspective of the judges and staff) to those who use it; and to implement changes that would facilitate improvements. The focus of the 1997 Public Forum was slightly broader: rather than focus solely on the Clerk's Office, the court reported on developments and solicited advice from members of the bar on the operation of all of the court's units. In addition, then-U.S. Attorney Eric Holder spoke on developments in his office and how they might affect the courts and bar, and a panel discussion was held on effective advocacy before the appellate court. The panel discussion was moderated by Professor Steven H. Goldblatt of Georgetown University Law Center, and the participants included Judges Wald, Silberman, and Randolph, along with Daniel Armstrong of the FCC, John Fisher of the U.S. Attorney's Office, Laurence Gold of Bredhoff & Kaiser, and Maureen Mahoney of Latham & Watkins. By all indications, the event was a great success and provided a welcome opportunity for thoughtful interactions between the judges, court managers, and members of the bar.

Planning for the Public Forum and the actual meeting itself caused the judges and staff to recognize that improvements had to be made in some Clerk's Office and Legal Division procedures to streamline operations and allow for more expeditious processing of motions and appeals. As a consequence, the court has adopted a number of changes in operating procedures, including the following:

- ▶ Circuit Rule 29(b), governing briefs of an *amicus curiae*, was amended to allow the Clerk to grant an unopposed motion for leave to participate as *amicus* filed more than 60 days after the docketing of a case, so long as the *amicus* brief will be filed within the time allowed for the filing of the brief of the party the *amicus* supports.
- ▶ An expedited procedure was developed to speed up the disposition of uncomplicated motions. The court found that some of the backlog in the Legal Division, and some delay in the disposition of motions, was caused by the requirement that a staff attorney write a full-blown memorandum on each motion, despite the fact that the proper dispositions of many motions were so clear that they could be explained without an extensive written memorandum. Cases are now screened as they enter the Legal Division to identify motions that, once fully researched, are sufficiently clear that only an oral presentation of the issues is required to reach a disposition. Once a month, these cases are presented to the Chief Judge. The Chief Judge's recommendations are then forwarded to two other judges for their concurrences. Any of the judges can ask for the full case materials or for additional briefing from the staff attorney. As a result of this procedure, the backlog in the Legal Division has dropped from a high of 356 cases in September 1996 to an average of 128 cases during the 1997-1998 term, and the average age of cases pending in the Legal Division has dropped from a high of 241 days in February 1997 to an average of 177 days during the 1997-1998 term.
- ▶ A new rule was instituted requiring that all cases in the Legal Division be presented to a Special Panel within 60 days of the filing of the final brief or response. So far this term, the average age from ready-date to submission has been 23 days, and no case has been presented past the 60-day deadline.

- ▶ The court's processing of criminal appeals has also improved dramatically. The average number of days from filing to disposition in criminal cases has dropped from 608 days in 1995, to 458 days in 1996, to only 367 days in 1997. The average age of pending criminal cases has similarly dropped from 338 days in 1995, to 263 days in 1996, to 208 days in 1997.
- ▶ The court is considering new procedures to dispose of sealed records that currently must be maintained by the court because they may not be sent to the Federal Records Center under Judicial Conference regulations. Records that have already accumulated will be reviewed and, in appropriate cases, orders to show cause why the records should not be unsealed will be issued. As new cases arise, orders sealing records will require sealing to be reviewed automatically after 10 years. It is hoped that these two steps will significantly reduce the number of sealed records that must be maintained.
- ▶ The court is also working on developing tighter controls on the time limits for filing briefs, the standards for extensions on briefs, and sanctions for failure to timely file briefs. The goal is to make the court's rulings on these issues more consistent and to ensure that time limits are respected.
- ▶ Finally, the court is changing the way it sets briefing schedules. In the past, the final brief was scheduled to be filed 30 days prior to arguments, with other briefs scheduled backwards from those dates. Starting in the 1998-1999 term, the final brief will be due no less than 50 days prior to argument. This change is intended to give the judges more time to prepare for oral argument, not to create a cushion for counsel seeking extensions.

The Court of Appeals has continued to employ advances in automation technology to facilitate the work of the judges, staff, attorneys, and litigants, and to make information more readily available to the public-at-large. In January 1997, the court launched an Internet site, which provides a wealth of information about the court's activities and operations. The court's oral argument calendar, local rules, procedures, opinions, and forms all can be viewed online, printed, or downloaded. The Internet site is currently being redesigned, along with the court's internal Intranet site, with an aim to add more materials and make them more easily accessible to users. Suggestions for further improvements of the Internet site can be transmitted by e-mail from the web site itself. The address of the Internet site is [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov).

On a related front, a Task Force has been appointed to study the issue of electronic filing and to recommend to the court rules and procedures to permit, encourage, or require electronic filing of motions, briefs, records, and other such documents. The Chair of the Task Force is Douglas Letter of the Department of Justice, and the committee members include: Kenneth Bass, Venable, Baetjer & Howard; Susan Court, Federal Energy Regulatory Commission; Mark Evans, Kellogg, Huber, Hansen, Todd & Evans; Ellen Finn, Special Assistant to the Chief Judge; Kenneth Geller, Mayer, Brown & Platt; Jack Goodman, National Association of Broadcasters; Tracy Hauser, Staff Attorney, U.S. Court of Appeals; Steve Kaplan, Assistant Circuit Executive for Automation; A.J. Kramer, Federal Public Defender; Mark Langer, Clerk; John Nannes, Skadden, Arps, Slate, Meagher & Flom; and Grey Pash, Federal Communications Commission. We hope to have the results of their work within the next year.

The courthouse Annex and renovation project was cleared to begin in July 1997 when the House of Representatives authorized the expenditure of design funds. The architect for the Annex project is Michael Graves, who has been described as "one of the few truly original American architectural voices of our time" and "one of this country's best known and most influential architects." Graves has won over 100 awards for his designs in architecture, interiors, products, and graphics, and has developed an international reputation for his outstanding work.

Working with Graves on the Annex project is Smith, Hinchman & Grylls (SH&G), the country's oldest and third largest architectural and engineering firm. SH&G has won awards for its work on a variety of projects, many of which can be seen in the Washington area.

A number of design workshops — involving exchanges of ideas between judges and staff, officials from the General Services Administration, and members of the architectural team — have been held to select a building concept. The building design will be developed into a final plan and, subject to further congressional funding, it is anticipated that construction will begin in 2000.

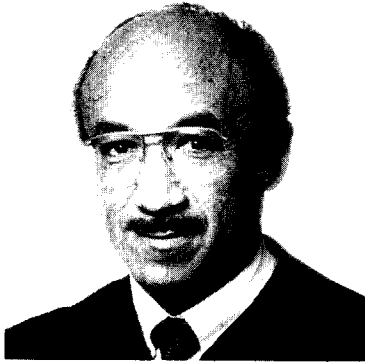
In a continuing effort to assess and improve the work of the operating units, outside consultants recently have been hired to evaluate the court's automation and mediation programs. The automation consultants completed their work in December 1997 and their conclusion was that the court's automation operations are among the best in the legal community. The consultants also confirmed that the court was well positioned to respond to future developments in the market. The Automation Team is now testing and installing voice-recognition software for judges and staff; the team is also pursuing new and better arrangements for desktop computer operating systems to accommodate changes in the court's internal Intranet site. The work of the mediation consultant is ongoing; we look forward to a final report within the next year.

Our aim in conducting these evaluations, as with others that have been completed in the past, is to ensure that the court's operations function efficiently and effectively. Our overriding goal is, as always, to give the best public service possible in the administration of justice.

Harry T. Edwards  
Chief Judge  
U.S. Court of Appeals

## **United States Court of Appeals for the District of Columbia Circuit**

### **HARRY T. EDWARDS**



Chief Judge Edwards was appointed to the U.S. Court of Appeals in February 1980 and became Chief Judge on September 15, 1994. He graduated from Cornell University in 1962 and the University of Michigan Law School in 1965. Judge Edwards practiced law in Chicago from 1965 to 1970. He was then a tenured member of the faculties at the University of Michigan Law School, where he taught from 1970 to 1975 and 1977 to 1980, and at Harvard Law School, where he taught from 1975 to 1977. He also taught at the Harvard Institute for Educational Management between 1976 and 1982. He served as a member and then Chairman of the Board of Directors of AMTRAK from 1978 to 1980, and also served as a neutral labor arbitrator under a number of major collective bargaining agreements during the 1970s. Chief Judge Edwards has co-authored four books and published scores of law review articles on labor law, higher education law, federal courts, legal education, professionalism, and judicial administration. Since joining the court, he has taught law at Harvard, Michigan, Duke, Pennsylvania, Georgetown, and, most recently, NYU Law School.

### **PATRICIA M. WALD**



Judge Wald was appointed United States Circuit Judge for the District of Columbia in July 1979. She served as Chief Judge of the court from July 1986 to January 1991. Judge Wald is a graduate of Connecticut College (B.A. 1948) and Yale Law School (LL.B. 1951). Following graduation, she served as law clerk to Judge Jerome N. Frank of the Second Circuit. Prior to her appointment to the bench, Judge Wald served as Assistant Attorney General for Legislative Affairs in the Department of Justice. She was an attorney for the Mental Health Law Project from 1972 to 1977, and the Project's Litigation Director from 1975 to 1977, as well as an attorney with Neighborhood Legal Services, the Center for Law and Social Policy in Washington, and co-chair of the Ford Foundation Drug Abuse Research Project. She is a Council Member and First Vice President of the American Law Institute, and a Fellow of the American Academy of Arts and Sciences. She has served on the U.S. Judicial Conference Committee on the Codes of Conduct (1986-1992) and the Committee on Court Administration and Case Management (1996-present).

## **LAURENCE H. SILBERMAN**



Judge Silberman was appointed United States Circuit Judge in October 1985. He graduated from Dartmouth College in 1957 and Harvard Law School in 1961. He has been a partner in law firms in Honolulu and Washington, D.C., as well as a banker in San Francisco. He served in government as an attorney in the NLRB's appellate section, Solicitor of the Department of Labor from 1969 to 1970, Undersecretary of Labor from 1970 to 1973, Deputy Attorney General of the United States from 1974 to 1975, and Ambassador to Yugoslavia from 1975 to 1977. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and the Department of Defense Policy Board. He was an Adjunct Professor of Administrative Law at Georgetown University Law Center from 1987 to 1994 and in 1997, at NYU from 1995 to 1996, and he will be teaching in the spring at Harvard Law School.

## **STEPHEN F. WILLIAMS**



Judge Williams was appointed to the United States Court of Appeals in June 1986. He graduated from Yale College (B.A. 1958) and from Harvard Law School (J.D. 1961). Judge Williams was engaged in private practice from 1962 to 1966 and became an Assistant U.S. Attorney for the Southern District of New York in 1966. From 1969 until his appointment to the bench, Judge Williams taught at the University of Colorado School of Law. During this time, he also served as a Visiting Professor of Law at UCLA, University of Chicago Law School, and Southern Methodist University and was a consultant to the Administrative Conference of the United States and the Federal Trade Commission.

### **DOUGLAS H. GINSBURG**



Judge Ginsburg was appointed to the United States Court of Appeals in October 1986. He was graduated from Cornell University (B.S. 1970) and from the University of Chicago Law School (J.D. 1973). Following law school, he clerked for Judge Carl McGowan of the U.S. Court of Appeals for the D.C. Circuit and for U.S. Supreme Court Justice Thurgood Marshall. From 1975 to 1983, he was a professor at Harvard Law School. He then served as Deputy Assistant Attorney General for Regulatory Affairs, Antitrust Division, U.S. Department of Justice, from 1983 to 1984; Administrator, Information and Regulatory Affairs, OMB, from 1984 to 1985; and Assistant Attorney General, Antitrust Division, U.S. Department of Justice, from 1985 to 1986.

### **DAVID B. SENTELLE**



Judge Sentelle was appointed United States Circuit Judge in October 1987. He is a 1968 graduate of the University of North Carolina Law School. Following law school, he practiced with the firm of Ussell & Dumont until he became an Assistant U.S. Attorney in Charlotte, N.C. in 1970. From 1974 to 1977, he served as a North Carolina State District Judge but left the bench in 1977 to become a partner with the firm of Tucker, Hicks, Sentelle, Moon & Hodge. In 1985, Judge Sentelle joined the U.S. District Court, Western District of North Carolina, in Asheville, where he served until his appointment to the D.C. Circuit. Judge Sentelle is the Presiding Judge of the Special Division for the Purpose of Appointing Independent Counsels (1992-present). Judge Sentelle serves as President of the Edward Bennett Williams Inn of the American Inns of Court.



## KAREN LECRAFT HENDERSON

Judge Henderson was appointed United States Circuit Judge in July 1990. She received her undergraduate degree from Duke University and her law degree from the University of North Carolina. Following law school, she was in private practice in Chapel Hill, North Carolina. From 1973 to 1983, she was with the Office of the South Carolina Attorney General, ultimately in the position of Deputy Attorney General. In 1983, she returned to private practice as a member of the firm of Sinkler, Gibbs & Simons of Charleston and Columbia, South Carolina. In June 1986, Judge Henderson was appointed United States District Judge for the District of South Carolina where she served until her appointment to the D.C. Circuit.

## A. RAYMOND RANDOLPH



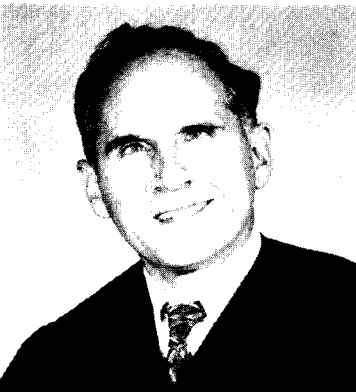
Judge Randolph was appointed United States Circuit Judge in July 1990. He is a graduate of Drexel University (1966) and the University of Pennsylvania Law School (*summa cum laude* 1969). After clerking for Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit, Judge Randolph served as an Assistant to the U.S. Solicitor General from 1970 to 1973, and, from 1975 to 1977, as a Deputy Solicitor General. In 1979, Judge Randolph was Special Counsel to the Ethics Committee of the U.S. House of Representatives. He has also served as Special Assistant Attorney General for Utah, Montana, and New Mexico. Prior to his appointment to the bench, he was a partner with the firm of Pepper, Hamilton & Scheetz. Judge Randolph has taught courses in civil procedure and injunctions at Georgetown University Law Center and in constitutional law at George Mason Law School. Judge Randolph is currently chairman of the Codes of Conduct Committee of the United States Judicial Conference.

## **JUDITH W. ROGERS**



Judge Rogers was appointed to the United States Court of Appeals in March 1994. She is a graduate of Radcliffe College and Harvard Law School and has a Master of Laws degree from the University of Virginia Law School. She has served as an Assistant U.S. Attorney for the District of Columbia and as a trial attorney in the Criminal Division of the U.S. Department of Justice. In the Office of the U.S. Deputy Attorney General, she worked on the D.C. Court Reform and Criminal Procedure Act of 1970. She was also General Counsel to the congressional commission on the organization of the District government and, thereafter, Special Assistant to the Mayor for federal and District of Columbia legislation. She was appointed Corporation Counsel for the District of Columbia in 1979. In 1983, she was appointed Associate Judge of the D.C. Court of Appeals and served as Chief Judge from 1988 until her appointment to the D.C. Circuit.

## **DAVID S. TATEL**



Judge Tatel was appointed to the United States Court of Appeals in October 1994. He graduated from the University of Michigan in 1963 and the University of Chicago Law School in 1966. Following law school, he taught for a year at the University of Michigan Law School and then went into private practice as a member of the firm of Sidley & Austin in Chicago. From 1969 to 1970, he served as Director of the Chicago Lawyers' Committee for Civil Rights Under Law, then returned to Sidley & Austin until 1972, when he became Director of the National Lawyers' Committee for Civil Rights Under Law in Washington, D.C. From 1974 to 1977, he returned to private practice as associate and partner with Hogan & Hartson, where he headed the firm's Community Services Department. He also served as General Counsel for the newly created Legal Services Corporation from 1975 to 1976. In 1977, Judge Tatel became the Director of the Office for Civil Rights, U.S. Department of Health, Education and Welfare. He returned to Hogan & Hartson in 1979, where he headed the firm's education group until his appointment to the D.C. Circuit.

## **MERRICK B. GARLAND**



Judge Garland was appointed to the United States Court of Appeals in April 1997. He graduated from Harvard College in 1974 and Harvard Law School in 1977. Following graduation, he served as law clerk to Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit and U.S. Supreme Court Justice William J. Brennan, Jr. From 1979 to 1981, he was Special Assistant to the Attorney General of the United States. He then joined the law firm of Arnold & Porter, where he was a partner from 1985 to 1989 and from 1992 to 1993. He served as an Assistant U.S. Attorney for the District of Columbia from 1989 to 1992, and as Deputy Assistant Attorney General in the Criminal Division of the U.S. Department of Justice from 1993 to 1994. From 1994 until his appointment as U.S. Circuit Judge, Judge Garland served as Principal Associate Deputy Attorney General, where his responsibilities included the supervision of the Oklahoma City bombing and UNABOM prosecutions. He has taught antitrust law at Harvard Law School and has served as co-chair of the administrative law section of the District of Columbia Bar.

## **Senior Judge**

### **JAMES L. BUCKLEY**



Judge Buckley was appointed United States Circuit Judge in December 1985 and took senior status in September 1996. He graduated from Yale College, receiving a B.A. in 1943, and from Yale Law School, receiving an LL.B. in 1949. Judge Buckley was engaged in private practice from 1949 until 1958 when he became an Officer and Director of The Catawba Corporation. From 1971 to 1977, he served as a United States Senator. In 1977, he was engaged in private sector activities, but reentered government service as Undersecretary for Security Assistance, U.S. State Department in 1981. From 1982 to 1985, Judge Buckley was President of Radio Free Europe/Radio Liberty.

## **Retired Judge**

### **SPOTTSWOOD W. ROBINSON III**

Judge Robinson was appointed to the United States Court of Appeals for the District of Columbia Circuit in November 1966, serving as Chief Judge from May 1981 to July 1986. He attended Virginia Union University and received an LL.B. degree from Howard University School of Law. Judge Robinson became a faculty member of the Howard University School of Law after graduation and remained on the faculty until 1947 when he entered full-time private practice. In 1960, he became Dean of the Howard University School of Law. From 1961 to 1963, Judge Robinson served as a member of the U.S. Commission on Civil Rights. In 1963, he became Vice President and General Counsel of Consolidated Bank and Trust Company where he served until he was appointed to the U.S. District Court for the District of Columbia in 1964. Judge Robinson took senior status in 1989 and retired in 1991.

## Office of the Clerk of the Court of Appeals



**Mark Langer**  
Clerk of Court

The Clerk's Office, which includes the former Office of the Chief Staff Counsel, is responsible for managing the caseload of the court, processing all case-related documents, maintaining court records, and serving as the central legal staff of the Court of

Appeals. The office serves as the court's liaison with attorneys, litigants, and the general public. It also provides statistical, financial, personnel, property, procurement, and internal mail services to the court. In addition, the Clerk is responsible for processing complaints of judicial misconduct or disability and for servicing the court's Special Division for the Appointment of Independent Counsels.

After a major reorganization in 1995, the Clerk's Office was divided into three divisions: administrative, operations, and legal. The Administrative Division is responsible for such support functions as courtroom services, personnel, records management, procurement, facility management, financial administration, and mail services. The Operations Division handles all case processing functions, the scheduling of the court's calendar, intake, attorney admissions, and issuance of opinions. The Legal Division, formerly the Office of the Chief Staff Counsel, has three primary areas of responsibility: making recommendations and preparing dispositions in contested motions and emergency matters, screening and classifying new appeals, and making recommendations in Circuit Rule 34(j) cases. The Legal Division also screens cases for appropriateness for inclusion in the Appellate Mediation Program, and assists with the management of complex cases under the 1986 Case Management Plan and of civil cases designated for treatment under the 1978 Civil Appeals Management Plan.

# U.S. Court of Appeals Advisory Committees

The United States Court of Appeals relies on its advisory committees for assistance in carrying out certain administrative tasks and for expert advice on issues that impact attorneys who practice before the court.

## Advisory Committee on Procedures

The Advisory Committee on Procedures was established by the Judicial Council for the District of Columbia Circuit in June 1976, in response to recommendations made by the Commission on Review of the Federal Court of Appeals System, also known as the Hruska Commission. Since 1982, the Court of Appeals has been the appointing authority for the committee. The committee was one of the first of its kind in the nation.

In accordance with 28 U.S.C. § 2077(b), the committee is charged with studying the rules and internal operating procedures of the Court of Appeals and making recommendations to the court on possible improvements. The committee is specifically authorized to design and undertake projects and studies on matters affecting the administration of justice in the circuit, either at the request of the court or on its own initiative. The Advisory Committee on Procedures also serves as liaison between the court and the bar.

The committee consists of 15 members of the bar. The court has endeavored to appoint committee members who represent various interests within the bar.

The current membership of the Advisory Committee on Procedures is as follows:

John M. Nannes, Chair

Thomas Abbenante	Maureen E. Mahoney
George H. Cohen	Katherine Anne Meyer
Vicki C. Jackson	William Bradford Reynolds
William Kanter	Michael E. Rosman
A.J. Kramer	Patty Merkamp Stemler
Stephen C. Leckar	Barbara S. Wahl
Myles V. Lynk	Christopher J. Wright

Judge Patricia M. Wald, Liaison

## **Advisory Committee on Admissions and Grievances**

The Advisory Committee on Admissions and Grievances assists the court with two of its most difficult administrative tasks: acting on applications for admission to the court's bar and acting on complaints of attorney misconduct or neglect. The court may refer to the committee any accusation or suggestion of misconduct or neglect by any member of the bar of the court with respect to a professional matter. The committee may conduct an investigation, hold a hearing and report on the matter as the court deems advisable. In addition, the committee investigates and recommends action on problems that arise in connection with applications for admission to the court's bar.

Currently, the committee's six members are:

Hamilton P. Fox III, Chair

Christopher M. Curran

William L. Gardner

Richard J. Leon

Neil I. Levy

Steven M. Umin

Judge Judith W. Rogers, Liaison

## **CJA Panel Committee**

The CJA Panel Committee, established in 1991 pursuant to 18 U.S.C. § 3006(a), compiles the list of attorneys eligible to receive CJA appointments by periodically receiving and evaluating applications from interested counsel. The committee also conducts an annual review and evaluation of the CJA Plan and recommends any changes deemed necessary.

The committee consists of two active circuit judges, the Federal Public Defender, and two private attorneys experienced in criminal law, one of whom is on the CJA appointments list.

Current members are:

Judge Stephen F. Williams, Chair

Judge David B. Sentelle

Barry Coburn

A. J. Kramer

Elizabeth Taylor

### **Task Force on Electronic Filing**

The Task Force on Electronic Filing was established in December 1997 to study the issue of electronic filing and to recommend to the court any rules necessary to permit, encourage, or require electronic filing of motions, briefs, records, or other documents.

The task force consists of four members of the court's staff, along with attorneys from private law firms, nonprofit organizations, regulatory agencies, the Department of Justice, and the Federal Public Defender.

The members of the task force are:

<b>Douglas N. Letter, Chair</b>	
Kenneth C. Bass III	Tracy C. Hauser
Susan J. Court	Steven F. Kaplan
Mark L. Evans	A.J. Kramer
Ellen R. Finn	Mark J. Langer
Kenneth S. Geller	John M. Nannes
Jack N. Goodman	C. Grey Pash, Jr.

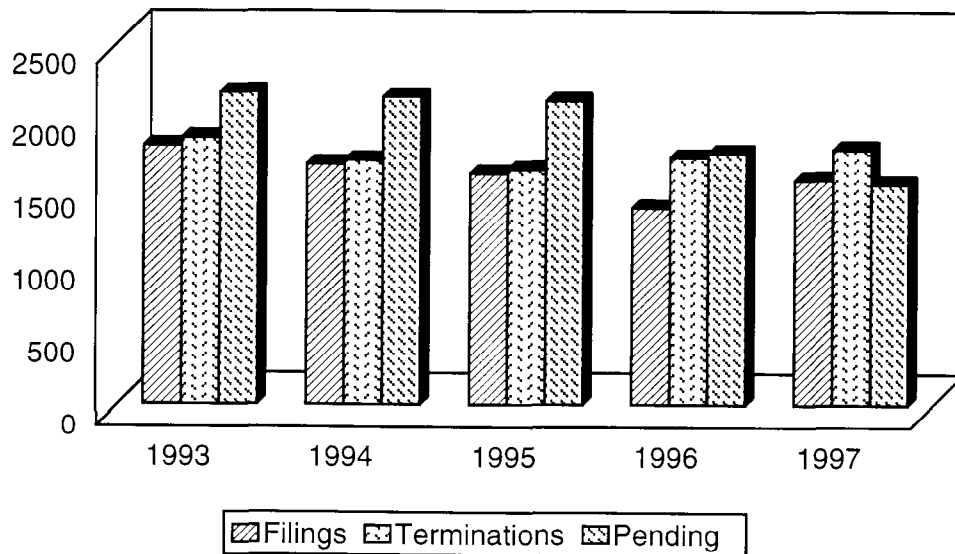


## U.S. Court of Appeals Workload Information

In 1996 and 1997, the Court of Appeals experienced a significant decrease, and then an almost equivalent increase in case filings, due primarily to changing levels of agency appeals. Agency filings decreased from 598 in 1995 to 487 in 1996, and then rose to 720 in 1997. Most of the increase in 1997 was attributable to appeals from the Environmental Protection Agency, the Federal Communications Commission, and the Federal Energy Regulatory Commission. Of the 720 agency appeals, 514 cases (71 percent) involved these three agencies. During this period, total terminations increased slightly and there were significant decreases in the pending caseloads at the end of each year.

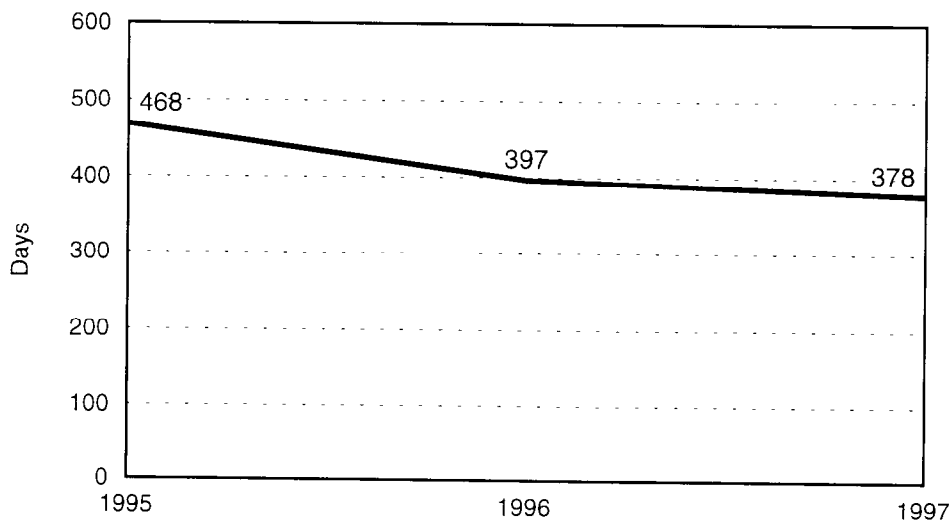
	1995	1996	Change	1997	Change
<b>Filings</b>	1,596	1,355	-15%	1,554	15%
<b>Terminations</b>	1,621	1,706	5%	1,764	3%
<b>Pending</b>	2,091	1,737	-17%	1,527	-12%

**Court of Appeals Caseload Summary  
1993-1997**

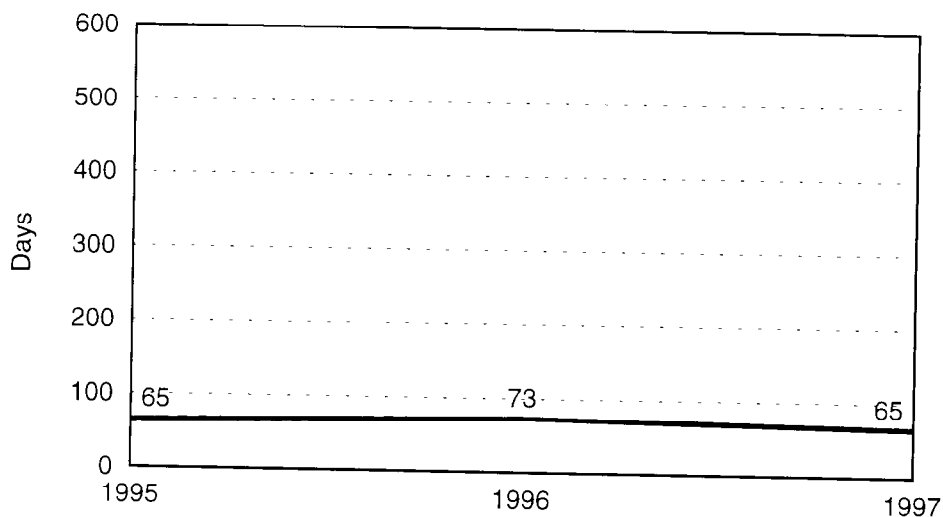


While the length of time from argument to disposition has remained fairly consistent during the past three years, the time from case filing to the date of argument has decreased significantly. In 1995, the average time from filing to date of argument was 468 days. In 1997, the average time dropped to 378 days.

**Average Case Processing Time  
Filing to Argument\***  
1995-1997



**Average Case Processing Time  
Argument to Disposition\*\***  
1995-1997

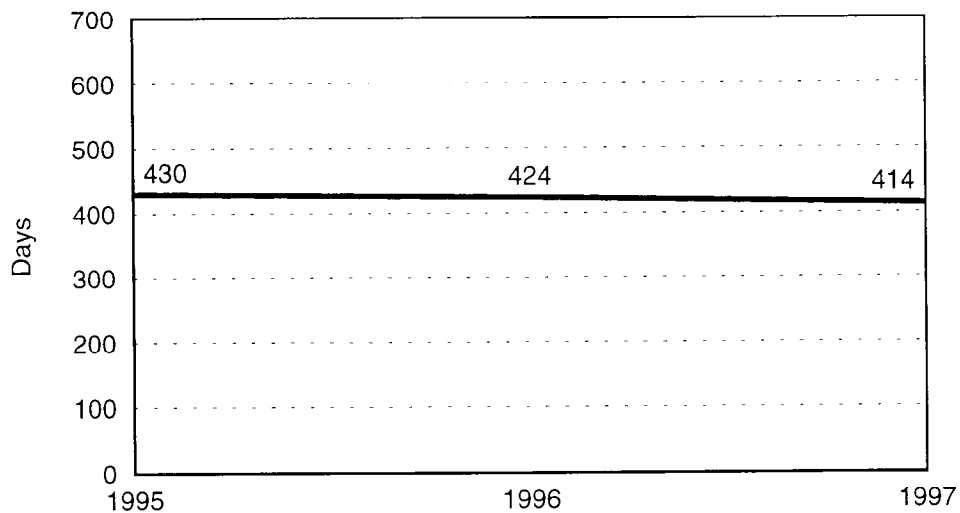


\* Figures represent cases argued in calendar year indicated.

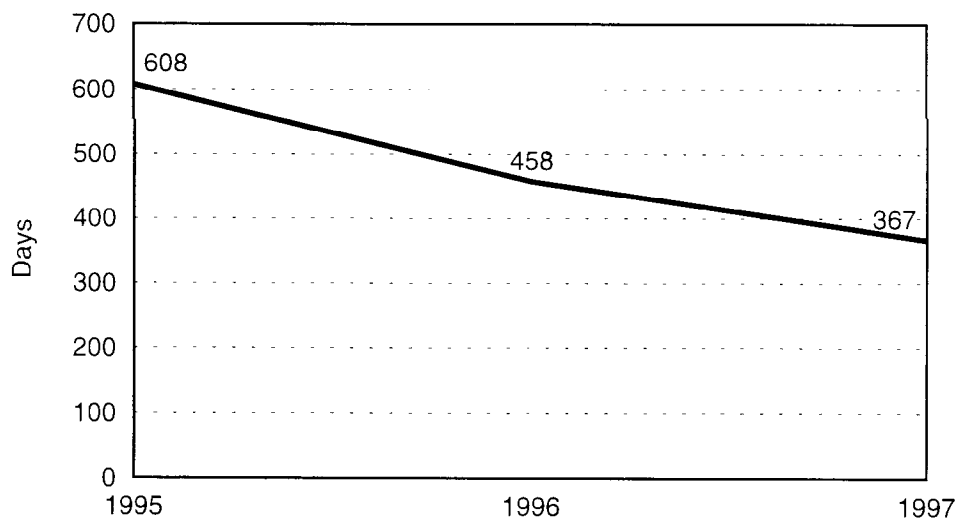
\*\* Figures represent argued cases terminated in calendar year indicated.

The overall length of time from filing to disposition has decreased slightly over the past three years for all cases. However, as a result of the combined effects of several new procedures aimed at expediting criminal cases, the average length of time from the filing of a criminal appeal to disposition has decreased significantly from 608 days in 1995 to 367 days in 1997. Another result of these procedural changes is a decrease in the average age of pending criminal cases, from 338 days in 1995 to 208 days in 1997.

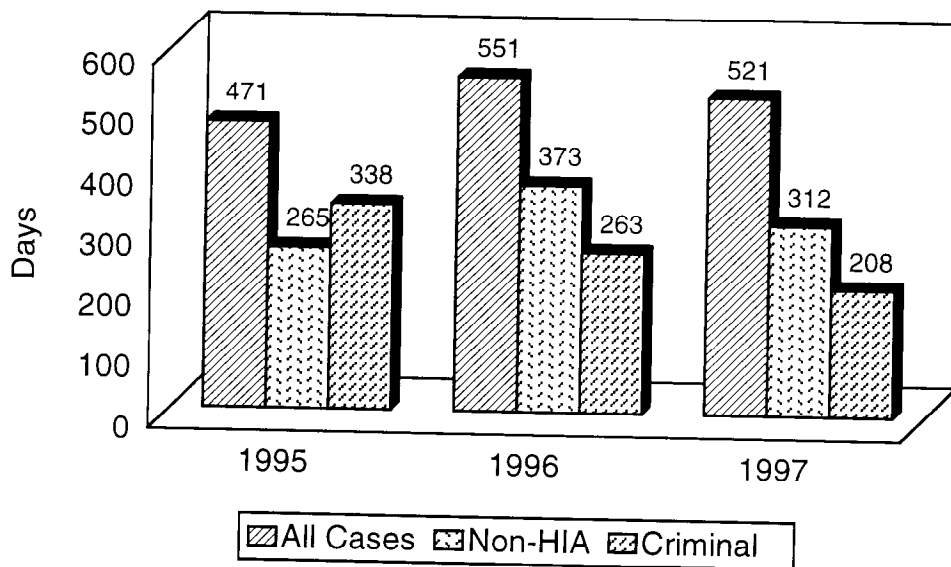
**Average Time From Filing to Disposition  
All Cases  
1995-1997**



**Average Time From Filing to Disposition  
Criminal Cases  
1995-1997**



**Average Age of Pending Cases  
1995-1997**



Over the past two years, there has continued to be a high percentage of unanimous decisions, with 97 percent of all dispositions issuing without dissents in 1996 and 1997. Eighty-eight percent of published opinions issued without dissents during these two years.

	1995	1996	1997
<b>Percent of dispositions that include full or partial dissent (lead cases only)</b>	2.4% (29 dissents out of 1,226 dispositions)	2.9% (36 dissents out of 1,247 dispositions)	2.2% (29 dissents out of 1,298 dispositions)
<b>Percent of published opinions that include full or partial dissent (lead cases only)</b>	10.3% (29 dissents out of 281 opinions)	12.1% (36 dissents out of 298 opinions)	10.9% (29 dissents out of 265 opinions)

During 1997, less than 15 percent of all lead cases that were terminated on the merits resulted in reversals and/or remands. Also of note, the percentage of terminations resulting in published opinions fell in 1997. This decline was due to the court's successful efforts to clear the backlog of matters pending before the Special Panel. Traditionally, very few of the Special Panel's decisions result in published opinions.

	1995	1996	1997
<b>Percent of reversals/remands of all lead case dispositions terminated on the merits</b>	17.3% (118 reversals/remands out of 684 terminations)	18.6% (130 reversals/remands out of 698 terminations)	14.6% (104 reversals/remands out of 710 terminations)
<b>Percent of decisions published in all lead case dispositions terminated on the merits</b>	40.2% (275 published decisions out of 684 terminations)	43.4% (303 published decisions out of 698 terminations)	37.6% (267 published decisions out of 710 terminations)

NOTE: The statistics and time periods on this page are from Tables B-5 and S-3 of the *Federal Judicial Workload Statistics* published by the Administrative Office of the U.S. Courts. These figures are for dispositions in lead cases only. "Terminated on the merits" includes orders by the Special Panel, judgments and opinions.